

## **REMARKS**

The following remarks are provided in response to the Office Action dated February 7, 2005 in which the Examiner:

- rejected claims 1-4, 6-9, 11-14, and 16-21 under 35 U.S.C. §102(e) as being anticipated by United States Patent No. 6,629,150 to Huded; and
- rejected claims 5, 10, 15, and 22-27 under 35 U.S.C. §103(a) as being unpatentable over Huded in view of United States Patent No. 6,301,658 to Koehler.

The applicant respectfully requests reconsideration of the above referenced patent application in view of the remarks set forth herein, and respectfully requests that the Examiner withdraw all rejections.

### **35 U.S.C. §102(e)**

The Examiner rejected claims 1-4, 6-9, 11-14, and 16-21 under §102(e) as being anticipated by Huded. For at least the following reasons the applicant traverses the Examiner's rejection.

To establish a *prima facie* case of anticipation under 35 U.S.C. §102, the Examiner must supply a single prior art document that alone teaches “. . . **every** aspect of the claimed invention either explicitly or impliedly.” (emphasis added) (See M.P.E.P. §706.02) If the Examiner cannot show that the single prior art document asserts each and every element and limitation of the applicants' claims, then the Examiner has failed to establish a *prima facie* case of anticipation for that claim. To overcome the Examiner's

anticipation rejection, the applicant must only demonstrate that the cited prior art document fails to teach one element or limitation present in the claim.

Independent claim 1 recites in a salient portion:

**transmitting, by the second digital certificate issuing authority, the twice signed electronic document to the first digital certificate issuing authority and to the party;**

wherein the second digital certificate issuing authority is hierarchically superior to the first digital certificate issuing authority.  
(emphasis added)

Independent claims 6, 11, 16, 18, and 20 recite a similar limitation. The Examiner alleges that Huded Figure 7, Figure 8, column 4 lines 33-45, and column 5 line 49 bridging column 6 line 7 teach transmitting, by the second digital certificate issuing authority, the twice signed electronic document to the first digital certificate issuing authority and to the party. The applicant respectfully disagrees. Huded column 4 lines 36-39 recite that “[b]y employing first digital certificate 322 within signed archive manifest 220, the integrity of digital information 230 can be verified before usage or transmission to the customer as described in FIGS. 7-8.” The applicant points out that this cited portion of Huded merely recites that the digital information may be transmitted to the customer. Further, column 6 line 49 bridging column 7 line 1 recites that “[t]he authentication of the provider of the digital container involves the recovery of the contents of a digital certificate that was supplied to the second platform either through a certification authority or directly from the vendor who intends [sic] to distribute the digital container.” The applicant affirms that this cited portion of Huded does not indicate if the second platform transmits the digital container and consequently cannot indicate the destination of the transmission as it only recites **from** where the second platform **receives** the digital container. Accordingly, the applicants confirm that the cited portions of Huded do not teach transmitting, by the

second digital certificate issuing authority, the twice signed electronic document to the first digital certificate issuing authority and to the party as recited by independent claim 1. The applicant therefore respectfully requests that the Examiner allow independent claims 1, 6, 11, 16, 18, and 20 as each recites at least an element not taught by Huded. Further, the applicant requests that the Examiner allow dependent claims 2-5, 7-10, 12-15, 17, 19, and 21-27 as each depends from a patentable independent claim.

**35 U.S.C. §103(a)**

The Examiner rejected claims 5, 10, 15, and 22-27 under §103(a) as being unpatentable over Huded in view of Koehler. For at least the reasons offered in response to the §102(e) rejection, the applicant asserts that claims 5, 10, 15, and 22-27 are patentable over Huded in view of Koehler as each depends on a patentable independent claim.

### CONCLUSION

For at least the foregoing reasons, the applicant submits that he has overcome the Examiner's rejections and that he has the right to claim the invention as set forth in the listed claims.

Please charge any shortages and credit any overcharges to our Deposit Account number 02-2666.

Respectfully submitted,

BLAKELY SOKOLOFF TAYLOR & ZAFMAN, L.L.P.

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Dated

  
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Jon C. Reali  
Reg. No. 54,391

12400 Wilshire Boulevard  
Los Angeles, California 90025  
(503) 439-8778